

**CITY OF MORGAN HILL
SPECIAL CITY COUNCIL
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES – SEPTEMBER 13, 2006**

CALL TO ORDER

Mayor/Chairman Kennedy called the meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Carr, Grzan, Sellers, Tate and Mayor/Chairman Kennedy

DECLARATION OF POSTING OF AGENDA

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CERTIFICATES

Mayor Kennedy presented Certificates to the Morgan Hill Pony Baseball Colt Division All Star Team World Series, third place finishers. He indicated that the team is composed of students throughout the region; including players from Live Oak, Sobrato, Gilroy, Bellermine, Monte Vista, and Valley Christian High Schools. Recognized were the following: Manager: David Newton; Coach: Mike Bouslog; Coach: Mark Cummins; Players: Billy Hill, Mathew Cummins, Jonathan Hughs, Ryan Evanger, Kevin Grove, Christian Lam, Charlie McClung, Phillip Thrappas, Stephen Smith, Steven Rodriguez, Danny Nelson, Adam Hill, Branden Elam, Ryan Walters, Alika Bantilan, Blake Winzeler, Mike Devine, James Johnson, and Adam Perez.

PROCLAMATIONS

Mayor Kennedy presented Ken Foot, Emergency Services Coordinator, a Proclamation declaring September 2006 as *Save a Life Month*.

Emergency Services Coordinator Foot recommended that all citizens be prepared for whatever may happen and obtain emergency training. He further recommended that everyone in the community be prepared for a minimum of three days following a major disaster.

Mayor Kennedy read a proclamation into the record; declaring the month of September 2006 as *National Prostate Awareness Month*.

RECOGNITION

Mayor Kennedy announced that Animal Control Officer Daniel Pina had a family emergency and would not be able to be in attendance this evening to receive recognition. On behalf of Animal Control Officer Daniel Pina, Chief of Police Cumming accepted the Certificate of Recognition from Mayor Kennedy, acknowledging Animal Control Officer Daniel Pina for his outstanding performance during a recent dog mauling case, and for providing excellent customer services under difficult circumstances.

Lieutenant Colonel Spillane expressed his sincere appreciation for the courtesy, professionalism and dedication to duty by Animal Control Officer Pina and for his immediate response/assistance in a dog mauling case. It was his belief that Officer Pina's fast action prevented the dog from injuring or killing other people and/or animals in the area.

Mayor Kennedy stated that it was his hope the Council will continue the tradition of recognizing significant achievements.

CITY COUNCIL REPORT

Council Member Carr indicated that the presence of the high school students at the Council meeting is a reminder that school is back in session. He stated that the day before school sessions start, the Morgan Hill School District holds a "Back to School Day" and that District staff invited the Council to join them on this day. He said that he, Council Member Tate, City Manager Tewes, Chief of Police Cumming and the two School Resource Officers were able to attend the "Back to School Day" event. He was pleased to be invited and see the excitement of District staff and the educators to get back to school and to hear the goals of the School Board and administrators for the coming year. He said that seeing the young men being recognized for their baseball accomplishments is a reminder of the youth in the community, and the excitement the Council has about them. He indicated that the League of California Cities recently held its annual conference. He stated that he, Council Members Sellers and Tate, and Mayor Kennedy were able to participate in the conference. They attended several seminar/workshop sessions, and were able to meet with colleagues throughout the state; learning about issues before other communities and cities. He attended the closing general session and found this session to be of interest. This session had a key note speaker, a news reporter for MTV News, who addressed the younger/next generation and suggested that we are not communicating with the next generation. She suggested that we need to better communicate with the next generation by civically involving/encouraging them to be active in communities. He stated that he is always pleased to see the civic students at Council meetings, and felt that it is a worth while effort to go through. He was pleased to see that City staff is doing a lot of the things the news reporter was suggesting in terms of reaching out and being able to communicate/understand the needs of youth. He noted the City has a Youth Advisory Committee and that Council Member Tate puts in a lot of time working with this Committee. He felt this to be a great testament to the City, Council and staff in its commitment to do right by the next generation in making sure they are included in civic government.

Mayor Kennedy indicated that he, City Manager Tewes and Public Works Director Ashcraft went to Monterey last Thursday to testify before the Regional Water Quality Control Board (Board) on the perchlorate contamination of the City's drinking water supply. He said the City focused on holding Olin accountable for the spill they created at their former flare manufacturing facility on Tennant Avenue, near Railroad Avenue. He said the Board has been trying to separate the City of Morgan Hill and the contamination of the City's groundwater, west of the plume which is flowing south. He noted there is only one water basin and that Olin has contaminated this entire basin not only to the south, but to the northeast as well. He stated the City has installed a treatment system that removes perchlorate. However, the City is paying for the operation of the treatment system because Olin has refused to step up and accept responsibility for the contamination in Morgan Hill. He indicated that the request before the Board was that they hold Olin accountable and that they clean up/abate the perchlorate found in the groundwater plume to the south. It was his belief the City received a good response from Board. He felt that Water District staff drags their feet, somewhat, and are being diverted by requesting studies the City does not believe are relevant to the issue at hand. The City believes that Olin should be forced to clean up the contamination they created.

CITY MANAGER REPORT

City Manager Tewes congratulated Mayor Kennedy for his presentation at the Board meeting as it saved the day after several presentations he presented over the past 18 months. He said the Board has done nothing since that time. However, after Thursday's meeting, the executive officer of the Board indicated that it was their intent to draft and bring back a cleanup and abatement order to the Board at their next meeting. The cleanup and abatement order would apply to the northern extent of the plume as well as the southern extent of the plume. He felt this was an important milestone in the City's efforts to try and clean up the basin. This action will allow the City to assure its customers that it has met or exceeded all federal and state standards. He indicated that the state has proposed new regulations for a maximum contaminate level in drinking water. Staff will return to the Council with a report about this issue at a future agenda.

COUNCIL COMMITTEE REPORT

Council Member Sellers said that as Chair for the Community & Economic Development Committee, he wanted to bring to the Council's attention an item to be considered by the Committee, and to be brought forward to the Council at a later date. He noted that in recent weeks, there has been a lot of discussion about eminent domain and whether or not it should be incorporated into the extension of the Redevelopment Agency's future planning. He said there has been a lot of reporting/editorials on this issue and that some of this information was accurate and some was incendiary. The Committee felt it would be helpful for the community to review this particular item; discussing it at the Committee level. The Committee would return to the Council with options for its consideration as the City moves forward with the RDA plan amendment.

CITY ATTORNEY REPORT

Acting City Attorney Siegel took this opportunity to congratulate Mayor Kennedy for all his years of service to the City/community as he did not know if he would have another opportunity to do so.

OTHER REPORTS

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the floor to public comments for items not appearing on this evening's agenda. No comments were offered.

City Council and Redevelopment Agency Action

ORDER OF AGENDA

No modifications were made.

City Council Action

CONSENT CALENDAR:

Council Member Tate requested that Item 1, Mayor Pro Tempore Grzan requested that item 6, and Council Member Sellers requested that Item 9 be removed from the Consent Calendar.

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **Approved** Consent Calendar Items 2-5, 7, 8 and 10-13 as follows:*

2. **BANNER SIGNS OVER PUBLIC STREETS, AND SIGNS AT PUBLIC FACILITIES**
Action: **Referred** to the Community and Economic Development Committee to Consider Revising its Workplan to Review Sign Issues Affecting Public Streets and Public Facilities.
3. **POLICY RELATING TO CITY MANAGER AUTHORIZATION TO SET AND REVISE RECREATION AND COMMUNITY SERVICES DEPARTMENT FEES**
Action: **Adopted** the Policy as Proposed.
4. **CENTENNIAL RECREATION CENTER FITLINXX SOLE SOURCE PURCHASE**
Action: **Approved** Purchase Order of \$62,894, plus Applicable Sales Tax, to FitLinxx for the Purchase of a Centennial Recreation Center Computerized Exercise Network System.
5. **CONSULTANT AGREEMENT WITH NAFFA INTERNATIONAL INC. FOR OUTSIDE PLAN REVIEW, INSPECTION, AND OTHER BUILDING DIVISION RELATED SERVICES, AS NEEDED**
Action: **Authorized** the City Manager to Execute a Contract in the Amount of \$80,000; Subject to Review and Approval by the City Attorney.

7. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR GATEWAY CENTER PHASE II**
Action: 1) **Adopted** Resolution No. 6050, Accepting the Public Improvements for Gateway Center Phase II; and 2) **Directed** the City Clerk to File a Notice of Completion with the County Recorder's Office.
8. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9598, QUAIL MEADOWS PHASE II**
Action: 1) **Adopted** Resolution No. 6051, Accepting the Subdivision Improvements Included in Tract 9598, Commonly Known as Quail Meadows Phase II; and 2) **Directed** the City Clerk to File a Notice of Completion with the County Recorder's Office.
10. **AUTHORIZE PURCHASE ORDER FOR BAY ALARM AT THE CENTENNIAL RECREATION CENTER (CRC) PROJECT**
Action: 1) **Made** Determination that Bay Alarm Company is a "Sole Source" Vendor for Fire Alarm, Burglar Alarm and Closed Circuit Television (CCTV) Services at the CRC, as Recommended by the Finance Director, in Accordance with Municipal Code Section 3.04.150.D; and 2) **Authorized** the City Manager to Execute a Purchase Order with Bay Alarm Company in the Amount of \$62,306.
11. **REIMBURSEMENT AGREEMENT WITH FREDERICO ENTERPRISES I, LLC**
Action: 1) **Appropriated** \$528,386 from the City's Current Un-Appropriated Storm Drainage – Non AB 1600 Fund (304); 2) **Appropriated** \$422,493 from the City's Current Un-Appropriated Public Facilities – Non AB 1600 Fund (346); and 3) **Approved** Reimbursement Agreement and **Authorized** the City Manager to Execute the Agreement on Behalf of the City; Subject to Review and Approval by the City Attorney.
12. **RECREATION AND COMMUNITY SERVICES DEPARTMENT PERSONNEL STRUCTURE AND REBUDGETING REQUESTS**
Action: 1) **Approved** the Proposed Structure of the Recreation and Community Service Department and Corresponding Personnel Budget Adjustments; 2) **Approved** the Realignment of Revenue and Expense Projections for the Community and Cultural Center and Recreation Administration Budgets; and 3) **Approved** the Rebudgeting of the Centennial Recreation Center Start Up Fund Revenue and Expenses.
13. **COMMUNITY DEVELOPMENT DEPARTMENT PERSONNEL CHANGES AND BUDGET READJUSTMENTS**
Action: **Approved** the Proposed Community Development Department Personnel Changes and Budget Readjustments.
1. **AMEND CITY COUNCIL POLICY, CP-05-01: ETHICS POLICY**

Council Member Sellers stated that Council Member Tate and Mayor Kennedy worked on developing the City's Ethics Policy. He stated that most individuals consider themselves ethical. He stated that he has heard comments, of late, that because individuals consider themselves to be ethical, there is no need to codify or declare an ethical policy on paper. He stated that ethics needs to be the top priority of any

organization. He said that his graduate work focused on the City of San Jose where they had a myriad of transgressions over the past year; all being connected to individuals who considered themselves highly ethical, had other priorities, and that sometimes the priorities took precedence. He felt it important, as an organization, that the City step up to state that ethics is a top priority for all elected officials, boards, commissions and throughout the organization. He recommended that this statement be added to the Ethics Policy. The statement would stipulate that the Council is making a declaration because it is a top priority for the Council.

Council Member Tate said that he did not have an objection to the policy amendment in terms of when it is reviewed. However, there are a couple of items about the Ethics Policy he would like to raise. 1) If you look at the policy, it stipulates that every year, at some point in time, individuals need to read the policy. It has always been his belief the Council was trying to get all of its boards, commissions and the Council to review the Policy every year. He noted the policy does not specifically state that the Ethics Policy needs to be reviewed every year, but makes the statement that an individual has reviewed the Policy in some point in time. He recommended the Council further amend the Ethics Policy to require that it be reviewed every year. 2) At the time the ethics policy was adopted, the Council stated that it would review/discuss the ethics policy on an annual basis to see if there were reasons to extend the policy and/or to determine whether all aspects of the policies were still valid (delete, amend, add). He noted that it has been over a year since the policy was adopted. He stated that he would like to see the establishment of an annual review of the policy.

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council unanimously (5-0): 1) **Amended** Council Policy No. CP-05-01: Ethics Policy to Require Board, Commission and Committee Members Acknowledgement/Signature at the Same Time Form 700s (Conflict of Interest Code) are Filed, as recommended by staff and 2) **further amended** as follows: 1) Under Accountability, part 4a amended to add the following phrase "...within the last 30 days."; b) **include** a statement that stipulates the Policy is to be reviewed on an annual basis; and c) the **inclusion** of a brief statement as follows: "Ethics is a top priority for the City of Morgan Hill.*

6. POTENTIAL JOINT PROJECT WITH COUNTY OF SANTA CLARA FOR THE DEWITT "S" CURVE

Mayor Pro Tempore Grzan requested additional background on the potential for a joint project with Santa Clara County to discuss alternatives to the DeWitt S-curve.

Mayor Kennedy stated that this is a dangerous curve where there have been at least two fatalities in recent years, and that the Council requested a joint agreement be worked out with Santa Clara County for improving the S-curve on DeWitt Avenue.

Director of Public Works Ashcraft informed the Council that staff contacted County staff following the most recent tragic accident on the DeWitt S-curve. Staff also reviewed the Santa Teresa Plan Line adopted by the Council in the late 1960s that calls for the realignment, in many areas, and the widening of Santa Teresa to a four-lane collector roadway. He said that the elimination of the S-curve was included in the Plan Line. He indicated that the S-curve was a result of vertical elevation changes in the

old roadway when it was constructed in order to get around some of the elevation changes. If the Plan Line proceeds, it would necessitate substantial right of way acquisition to straighten the S-curve as well as up to 25% cuts to lower the roads. He informed the Council that County staff reminded City staff that they submitted this very project for potential funding under the VTP 2020 Plan. He stated that the project did not score within the project ranking criteria, and was placed on the unfunded list. He stated that it would cost approximately \$1 million to eliminate the S-curve, retaining a two-lane road.

Director of Public Works Ashcraft stated that he informed County staff that City staff would recommend the Council split this amount. He indicated the City has these costs included in the traffic impact fees. He clarified the City collects money to eventually improve all of Santa Teresa Boulevard, including this reach of the roadway. He stated that County staff informed City staff that splitting the cost was a generous offer, and that they would like to pursue this offer. However, they have no short term potential for matching funds. He informed the Council that County staff has requested that VTA consider various grant requests. The County is looking into submitting a Hazard Elimination Grant through Caltran. Staff has provided the Council with a letter of commitment that indicates the County's willingness to work with the City, but that it would likely take several years to proceed, if they are successful in receiving funding. He stated that City staff is not recommending the Council appropriate funding as there is no identifiable matching funds from the County.

Mayor Pro Tempore Grzan noted there are no buffers in front of the power poles in the S-curve area. He inquired whether there was anything the City can do to buffer the electrical poles in the S-curve area in light of the fact the County has no funding at this time.

Director of Public Works Ashcraft noted that improvements in this area are within the County's jurisdiction. The City could recommend road improvement alternatives and/or share in the funding of improvements. He referred to the County's letter where they comment they have thoroughly reviewed the existing conditions and that in terms of safety, they believe they have done all they can do. The County further indicates the S-curve area is not one of their higher accident locations. He said that it was his understanding that future federal safety program requirements for local agencies are that they provide safety evaluation data such as accident locations as part of a grant application. He is not sure how this project might score. However, the County has indicated they would work with the City to try to find funding for a solution(s). It was his belief, in his discussions with the County that the only viable solution is the elimination of the S-curve; straightening the road. He indicated that undergrounding the utility poles could cost over \$1 million. He felt it would be more cost effective to purchase the right of way, straighten the road; retaining the utility poles until such time there are funds available to relocate them. He felt this action would do more to eliminate the hazard.

Mayor Kennedy said that this is the most bureaucratic response to a critical safety issue he has ever read. He recommended that he be authorized to send a letter to Board of Supervisor Gage and Michael Burns, General Manager of VTA; addressing the fatalities that have occurred due to the dangerous situation, and ask that this concern be elevated to the level of attention it deserves. To be suggested is the installation of K-rail buffers in front of the light standards. It is his hope that improvements to this area would be added to the County's list of projects.

Council Member Carr recommended the City put together a plan for acquiring right of ways; noting that price of lands and projects keep going up. Before placing political clout on the VTA, he felt the Council needs to understand where its critical road situations are. The City may wish to determine a criteria. He does not know where this project may stand as there may be other areas in town that have safety issues. He recommended the City determine all risk areas.

Mayor Pro Tempore Grzan concurred with Council Member Carr that the City needs to look at all roadways and that staff identify risk areas. However, this particular roadway is considered a risk in both the public's view and his experience. He supported using the City's political clout as suggested by Mayor Kennedy; looking at low cost mitigation measures (e.g., placing barriers adjacent to the light poles). He said that if there is a street that has the significance of resulting in injuries, he would look at every potential funding source(s), and do whatever he could to correct the situation. He stated that he did not want to see another life lost due to the S-curve.

Mayor Kennedy noted that staff has concluded there is no benefit in appropriating the 50% match until such time the County identifies a funding source.

Director of Public Works Ashcraft said that staff could not spend money in this area as it is out of the City's jurisdiction and within the County's jurisdiction.

Action: *Mayor Kennedy made a motion, seconded by Mayor Pro Tempore Grzan, to **Authorize** the Mayor to send a letter to Santa Clara County Board of Supervisor Gage and Michael Burns, VTA General Manager, addressing the fatalities that have occurred; including how dangerous this situation is, and ask that this concern be elevated to the level of attention it deserves.*

Council Member Tate felt that Council Member Carr raised a good point in that the City does not have an inventory of safety situations within the City. He recommended that an inventory of safety areas be put together. He stated his support of sending a letter, as suggested.

Council Member Carr supported sending a letter to Santa Clara County Board of Supervisor Gage, and that the Regional and Transportation Committee take a look at this issue as well.

Vote: *The motion carried unanimously (5-0).*

9. REJECTION OF BIDS FOR THE SKATEBOARD PARK AND BMX IMPROVEMENTS AND STEEL SKATEBOARD ELEMENTS (RAMPS) PROJECTS

Council Member Sellers indicated that this item relates to the skate board park the City is trying to build. He noted that staff proposes two recommendations: 1) reject the bids; and 2) the City to look at redesigning the skate park; proceeding with concrete ramps as opposed to steel ramps. He noted the staff report mentions the average cost for all concrete skate board parks built within the last six years is approximately \$333,000. Factoring in material cost increases and adding a 20% contingency raises the cost to approximately \$600,000. He inquired how materials versus labor factors into the cost. He acknowledged that costs have gone up 1.5 times more than costs were a few years ago.

City Manager Tewes reminded the Council that staff is not recommending the appropriation of \$600,000 as the City does not have funding in place. He noted the project is included in the Capital Improvement Project as a \$1 million project with an indication that this project is unfunded. He said that several weeks ago, Deputy Director of Public Works Struve was successful in finding a grant that would allow the City to proceed with the low cost, above ground approach. Even though the grant is available, the City's bids were not good. Thus, the reason staff is recommending bid rejection this evening. Should the Council refer this item to a group to try to come up with ideas on how to spend \$600,000, the problem has not been resolved as the City does not have \$600,000 for this project.

Deputy Director of Public Works Struve addressed the engineer's cost estimates; including the estimates paid for flat work, site improvements, fencing, utilities, and lighting improvements. He said that the increase in cost is attributed to the extensive mounding/stock piling of material located at the northwest corner of the Centennial Recreation Center site. The contractor did not know what he would be getting into in the removal of the stock piles. As there was only one bidder, it did not result in a competitive bid process. Further, the labor costs were high in order to complete the project by the grand opening of the Centennial Recreation Center.

Council Member Sellers inquired whether the City would be in the ballpark as far as estimating a \$600,000 skate park, or can the project be built below this amount.

Deputy Director of Public Works Struve said that the costs were based on the average real costs experienced by other public agencies. He informed the Council that public agencies built 22 parks within the past six years. He said that the construction management team and staff recommend a 15% cost increase. He said that the average size of skate parks were at 13,000 square feet. He indicated the City does not need to build a skate park this large. The park the City was going to build was at 10,000 square feet. He said that there are ways to reduce the \$600,000 cost, but felt that this amount is a good estimate. He informed the Council that the grant would be flexible as far as the scope of work, but is not flexible in terms of project completion. He said that the City would need to be under construction by December 31, 2008 in order to retain grant funding.

Mayor Kennedy recommended that staff's second action item be amended to include an engineer's estimate of the cost for a concrete structure. Doing so would take a lot of the uncertainty out of the costs. If the estimate is too high and too much contingency is proposed, it may kill this worthwhile project. He felt it would be helpful if the City has an estimate that is more accurate.

Action: *On a motion by Council Member Sellers and seconded by Council Member Tate, the City Council unanimously (5-0): 1) **Rejected** the Bids Received on August 16, 2006 for the Construction of the Skateboard Park Improvements, a Dirt Bicycle Motocross (BMX) Park, and Steel Ramp Skateboard Elements Projects; 2) **Directed** Staff to Continue Working with the Youth Advisory Committee and Parks and Recreation Commission to Continue to Develop the Concept of an all Concrete Skateboard Park and Dirt BMX Park and Develop Funding Options for Both, and 3) **Obtain** an engineer's cost estimate for a concrete structure.*

Redevelopment Agency Action

CONSENT CALENDAR:

Agency Member Sellers requested that Item 14 be removed from the Consent Calendar.

14. DISCLOSURE OF PROPERTY OWNERSHIP/INTEREST BY REDEVELOPMENT AGENCY BOARD MEMBER

Agency Member Sellers recused himself from this item and excused himself from the Council Chambers.

Action: *On a motion by Agency Member Tate and seconded by Agency Member Carr, the Agency Board, on a 4-0 vote with Agency Member Sellers absent, **Authorized** the Redevelopment Agency Board to Accept Disclosure of Property Interest Statement from Agency Member Sellers.*

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

Action: *On a motion by Council/Agency Member Tate and seconded by Council/Agency Member Sellers, the City Council/Agency Board unanimously (5-0) **Approved** Consent Calendar Items 15 as follows:*

15. REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF AUGUST 23, 2006

Action: **Approved** the Minutes as Submitted.

City Council Action

OTHER BUSINESS:

16. CITY CO-SPONSORSHIP OF SISTER CITY CHILDREN DANCE AND MUSICAL PERFORMANCES

Mayor Kennedy opened the floor to public comment.

Bernie Mulligan, Sister Cities Committee liaison to the City of Headford, indicated that Headford, Ireland became Morgan Hill's Sister City this year. He informed the Council that approximately 40-42 singers, dancers, musicians, and poetry readers will be retracing the history of Headford from the beginning to its current day. The Sister Cities Committee is requesting the City sponsor two shows to take place at the Community Center and the Playhouse. He indicated that these facilities were created to provide cultural exchange opportunities; thus, the request before the Council this evening. He said the

Sister Cities Committee will try to offset some of the costs by charging a nominal fee to attend the event. As an alternative, contributions could be solicited. He indicated that Headford's costs will be offset by asking Morgan Hill families to host the visitors. Individuals will also be visiting Morgan Hill to get ideas on economics/industries Morgan Hill would like to interact with; specifically high technology.

Dennis Delisle inquired whether there would be costs associated with co-sponsorship.

Mayor Kennedy indicated that the sponsorship being requested is \$1,400.

No further comments were offered.

Mayor Pro Tempore Grzan stated his support of appropriating \$1,400 for this event as it is important for the City to maintain good relationships with its sister cities, and to have cultural exchanges from time to time. It may be that Morgan Hill would like to send students and others to Headford, and that it is his hope that Ireland would reciprocate student cultural exchanges. In terms of the funding request, he noted the Council set aside \$60,000 to be used for events of this type. He inquired whether the Council could use some of the unused balance to support the event.

Council Member Carr indicated that the Public Safety & Community Services Committee will be recommending to the Council how organizations can access the \$60,000; including the application protocol and process. He stated that this funding request was not considered by the Committee, or fits the criteria for the \$60,000. However, this does not mean the Council cannot fund the request. He indicated that he spoke to Mr. Mulligan this week and informed him that these programs and cultural exchanges are the kinds of activities that should be taking place; especially involving the youth in ways of growing knowledge of other cultures/people in the world. He acknowledged that \$1,400 is not a lot of money, but the Council needs to be careful about the precedent(s) that can be set. He would like to find a way to fund the request this evening. He wants to make sure the Council challenges the Sister Cities Committee to start conducting fundraising efforts so that they can support these activities. He said that individuals in the community are supportive of the City having sister city relationships. Therefore, the Committee would be well served to go out and conduct fundraising efforts. He noted the Council/Agency Board sets aside a small amount of Redevelopment Agency money in the budget every year for the City to proceed with official Sister City actions and pay for official activities when officials from Sister Cities visit Morgan Hill; including signing various agreements. He indicated that the Council budgeted \$3,000 in the Sister Cities budget this fiscal year and that approximately \$1,600 has been spent from this allocation. He said that Redevelopment Agency dollars are thought to be economic development dollars. He did not know if the request to fund the cultural exchange fits the use of this funding source. He inquired whether the Sister Cities Committee has other types of events coming up where they would want to access the remaining sister cities funds this fiscal year.

Mayor Kennedy responded that he was not aware of any other activities that would require additional funding for other Sister Cities activities. He said that an official delegation will be coming from Japan. However, the Sister Cities program for Japan has governmental subsidies. Therefore, their expenses will be paid for by their government. He said that Japan's visit will be a business trip, and that there will not be an exchange of gifts as the signing ceremony and gift exchange already took place. Therefore, there will be minimal costs associated with this visit.

City Manager Tewes reminded the Council that staff budgeted \$3,000 for the City's official responsibilities in connection with Sister Cities. This funding pays the City's dues to Sister Cities International. These funds also pay for the City's hosting of sister city officials as the sister cities relationship is an official relationship adopted by the City Council. He stated that a separate non profit organization, not affiliated with the City of Morgan Hill, is a community group that supports the ideals of sister city relationships, and often arranges cultural exchanges/activities. He indicated that it has not been the City's practice to use City funds for community related activities which are sponsored by the non profit sister city organization. However, the Council can decide how to appropriate funds. He explained how the existing \$3,000 has been allocated and that coincidentally, approximately \$1,400 remains in this year's budget. If there are to be other official responsibilities, on behalf of City government during the course of the year, staff would need to return to the Council/Agency Board for appropriation, if needed.

Council Member Sellers said that he conversed with Mr. Mulligan as well, and expressed concern that the issue is not about the money, as it is a relative small amount, but the precedent it would set. He felt it imperative for the Council to figure out an exact allocation for sister city type events. He noted the requests are becoming more frequent, and the Council needs to be able to state its policies. He stated his support of funding the cultural exchange as it makes sense to do so. He was pleased to hear there are resources in the Sister Cities fund as this is where funding should come from as the Council continues to set this policy. He indicated that Mr. Mulligan mentioned the opportunity to conduct economic development or to talk about it. He said that the Community & Economic Development Committee would be happy to meet with the Sister Cities Committee as it was his belief there are items the Committee can talk about, in terms of economic development. He reiterated his support of allocating funds for this event from the Sister Cities budget in order to remain consistent with Council policy.

Mayor Kennedy felt it would be appropriate for Council Member Sellers, as the Chair of the Community & Economic Development Committee, including staff, to meet with the Sister Cities Committee to find out their issues.

Council Member Tate agreed that this is a cultural exchange and that this is what the City built the Community & Cultural Center for. He concurred with Council Member Sellers that the Council needs to have policies in place. However, he did not believe the performances of these youngsters was economic development, and should not be funded from a redevelopment agency source. Should the Council look at this as a cultural related activity; the Council will need to find a different source of funding other than the redevelopment agency. Should an exchange in economic development take place, it would be a different story. He indicated that he raised the question about charging for the event. If the City is co-sponsoring an event, he felt these events should be open to the public as he would hate to preclude anyone from attending the event. However, it would be acceptable to request a small fee for the event.

Mayor Kennedy noted that it was suggested that the Sister Cities Committee conduct fundraising activities. He suggested the Sister Cities Committee use this event as a fundraising event. The Committee could charge a nominal fee (e.g., \$5-\$10 with no charge to the youth) to assist building up their funds for future sister cities activities.

Council Member Sellers felt it would be important for the Council to declare that it is setting aside a specific amount of funds for sister cities activities. He could support funding from the general fund if this is the Council's preference. He would like to make sure the Council is not stating the City has general fund monies and that this be used as a funding source. Further, the Council would be looking at a separate budget line item designation in the future in order to accommodate sister cities activities.

Council Member Tate concurred with Council Member Sellers suggestion that the Council needs to have a consistent policy in place.

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council unanimously (5-0): 1) **Considered/Approved** Mayor and Sister City Committee Member Bernie Mulligan's Request for City Co-Sponsorship of Dance and Musical Performances; and 2) **Appropriated** \$1,400 from the General Fund Reserves.*

City Council and Redevelopment Agency Action

OTHER BUSINESS:

17. AGREEMENT WITH 247 WORKSPACE, INC.

Director of Business Assistance and Housing Services Toy presented the staff report, indicating that in early 2006, 247 Workspace consolidated their operations in Santa Clara County to Morgan Hill. He indicated that 247 Workspace is an internet sales company; selling commercial office furniture on line. He indicated that 247 Workspace has made an investment of approximately \$900,000 in tenant improvements; signing a 5-year lease with an opportunity to extend the lease for an additional 5-years. He addressed the economic incentive package that is performance based, and that this be based on the sales generated; similar to other packages the City has developed for the Ford Store and Johnson's Lumber. He said the Community & Economic Development Committee has reviewed the proposal and recommend Council approval as it is consistent with the City's Economic Development Strategy as well as the Business Assistance Guidelines. He addressed the key business terms of the agreement as well as the performance standards. He informed the Council that while the Agency will be making the payments, the City will be reimbursing the Agency for these payments based upon the actual sales tax revenue generated. Therefore, staff recommends Council authorize the City Manager to reimburse the Agency for any payments made to 247 Workspace.

Council/Agency Member Sellers indicated that the Community & Economic Development Committee has reviewed the request and unanimously support it.

Mayor/Chairman Kennedy opened the floor to public comment.

Dan Ehrler felt this was an excellent example of something that can work to the benefit of everyone involved. He indicated that the Chamber of Commerce became involved in talking with the leaders of 247 Workspace when they were thinking about Morgan Hill. He felt the work performed by staff, in

working with 247 Workspace, assisted them in making the decision to come to Morgan Hill. He stated that 247 Workshop appears to be an excellent company, and that the Chamber of Commerce is excited about them coming to Morgan Hill. He looks forward to their participation with the community, at large, as well as doing business in Morgan Hill. He indicated that he spent time with 247 Workspace and followed up with phone calls. He reiterated that it was Mr. Toy who had the initial conversation, but that the owner of 247 Workspace initiated the call to the Chamber of Commerce following City contact.

No further comments were offered.

Council/Agency Member Sellers said that these are the types of projects that are exciting to think about as the City has brought many different elements together. You have a private investor willing to make almost \$1 million in improvements in an area the City would like to see improved in this economic climate. He noted the City had two companies, the Ford Store and Johnson Lumber, which have been extremely successful; exceeding expectations. He indicated that 247 Workplace was doing well and had significant growth in their location in Los Gatos. He felt it was appropriate to have them relocate to Morgan Hill. He thanked Mr. Toy for helping to put the deal together, as well as Mr. Ehrler and others for enticing 247 Workspace to Morgan Hill; putting together an agreement that helped make the relocation to Morgan Hill possible.

Action: *On a motion by Council/Agency Member Sellers and seconded by Council/Agency Member Tate, the City Council/Agency Board unanimously (5-0): 1) **Authorized** the Executive Director to do Everything Necessary and Appropriate to Execute and Implement an Economic Revitalization Agreement with 247 Workspace, Inc. Subject to Review by Agency General Counsel Approval; and 2) **Authorized** the City Manager to do Everything Necessary and Appropriate to Reimburse the Redevelopment Agency for any Economic Incentive Payments Made to 247 Workspace Inc. with the Sales Tax Revenue Generated by 247 Workspace Inc.*

18. COMMUNITY SPECIAL EVENT FUNDING REQUEST APPLICATION FORM AND CRITERIA

City Manager/Executive Director Tewes presented the staff report on a recommendation on how to deal with one of three categories of requests the Council/Agency Board tends to receive that cause considerable amount of conversation. He indicated the Council/Agency Board receives requests from community organizations, from time to time, asking for City co-sponsorship for the purpose of allowing the City to include them in the City Newsletter and advertising media. He noted that the Poppy Jasper Film Festival organizers requested City co-sponsorship in order to advertise in the community newsletter. However, this agenda item does not address these types of requests.

City Manager/Executive Director Tewes stated that the second types of request the Council/Agency Board receives is from community organizations requesting fees at the playhouse or the Community Center be paid for on their behalf or subsidized in some manner. He indicated that the Community & Economic Development Committee considered these types of requests and identified that facilities were built for such activities. The fee structure was established in order to encourage non profits to use these

facilities. Further, the Council has established cost recovery goals. He said the Committee did not feel there was a need for a particular policy to be put into place regarding how to deal with requests coming from community organizations seeking subsidies of fees that would otherwise be required for the use of City facilities.

City Manager/Executive Director Tewes indicated that the third type of request the Council/Agency Board receives, from time to time, and has caused a lot of discussion, is the subject before it this evening. This item addresses the activities where community groups apply for a special event permit. He informed the Council/Agency Board that a special event permit is required when the group's activities require the use of public streets, public parks, or large public properties that are not specifically designed for events typically held at the Community Center. He stated that these activities require some disruption to the normal course of business in the areas affected, and require City staff assistance to close streets and/or to provide extra security. Special event permits impose extraordinary costs and that it was considered appropriate for the Council to establish policies in these areas. He indicated that the Council directed the Public Safety & Community Services Committee to review this matter, and that their report and recommendation is before the Council this evening. He clarified the discussion is not about the request for co sponsorship for advertising or subsidies for the use of the community center. The discussion before the Council is about special events.

City Manager/Executive Director Tewes outlined the Public Safety & Community Services Committee recommendations as follows: establishment of an annual process by groups who believe they will be requesting assistance. These groups would be required to submit an application by March 31 of each year in accordance with a form included in the agenda package that establishes the criteria to be used by the Council in evaluating requests. He indicated that the criteria stipulates the event will be an annual event of community-wide benefit. Applicants are to be non profit organizations that require City support services. The request would not defer or discount public facility rentals to which rents schedules and policies have already been established by the Council. Once the form has been submitted, staff would review the application and identify the extent to which the criteria has been met and the item would be placed before the Council for consideration.

City Manager/Executive Director Tewes informed the Council that it allocated \$60,000 for such purposes as part of the Fiscal Year 2006-07 budget. Of this \$60,000, funding has already been allocated as follows: \$25,000 to the Independence Day, Inc. for Fourth of July activities, and \$3,700 to the United Way 211 Call Center project; leaving approximately \$25,700 in funding available for the remainder of this fiscal year. When the Council referred this item to the Committee requesting some procedural and process guidance, the Council recommended funding for two specific events: 1) the Downtown Association Safe Trick or Treat event; and 2) the Kiwanis Club's Holiday Parade. The Committee has indicated that while they are supportive and would recommend funding of these activities to the Council, they thought it important that each of these activities go through the recommended application process. Before the Council this evening is the process being recommended by the Committee for how to deal with such requests in the future; and a specific request to allocate \$5,600 to the Downtown Association's for their special event - Safe Trick or Treat.

Council/Agency Member Carr indicated the Committee spent some time on this item; holding several meetings. He stated that there are two items being considered this evening: 1) the application form and

criteria developed; and 2) a funding request from the Downtown Association for the allocation of \$5,600 for their Safe Trick or Treat event. He indicated that the Committee recommends approval of both items. The Committee further recommends the Downtown Association go through the process with staff; knowing that the Committee is recommending approval of funding in order to see what the process would be like. The Committee has also asked the Kiwanis organization to go through the process for the annual Holiday Parade and that it is his hope the Committee will be able to recommend approval as well.

Council/Agency Member Sellers noted that item 7 sounds a little ominous as it states that City staff is included in the final planning process. He requested an explanation and clarification of this item.

Council/Agency Member Carr indicated that staff brought to the Committee the concern that items might come to the Committee once they are planned out; requesting a dollar amount instead of involving staff in the process. He noted that in the past, before the Council decided it wanted to put together specific criteria, special permits were processed by staff such that the Council understood what was being requested. The Committee wants to make sure this process is codified and continued. This does not mean that staff needs to attend every meeting held by the non profit organization requesting a special event permit in planning for the event, but that staff needs to be involved in the planning process. Before finalizing the special event permit, staff would need to review the permit/process with the non profit organization.

Mayor/Chairman Kennedy referred to item 8 which states the funding process is not for requests to defer or further discount public facility rentals. He inquired what would happen in the event the Morgan Hill Community Foundation wants to rent the Community & Cultural Center for a fundraising event.

Council/Agency Member Carr indicated that the use of the Community & Cultural Center would not require a special event permit; clarifying that this is a process for non profit organizations seeking a special event permit.

City Manager/Executive Director Tewes indicated that from time to time, non profit groups or others sponsoring activities, would like to ask the Council for financial assistance to help pay City fees although the schedule of fees was established with certain other goals in mind. He clarified that the Council would continue to evaluate the use of community facilities, on a case by case basis, as they are presented. He said that this policy is only for those requests relating to special events that require a special event permit. These are activities that require the closure of streets or need the exclusive use of public parks that would otherwise be available to the public. This process does not refer to the normal rental of facilities such as the Community Center or the Playhouse that were built for this specific purpose. He indicated that should the Mushroom Mardi Gras organizers request funding; this is the kind of activity that would require a special event permit. Under the recommendation before the Council/Agency Board, they would go through the recommended process.

Mayor Pro Tempore/Vice-chair Grzan referred to page 145 of the agenda packet. He noted that groups were listed who do not fit/meet the criteria. He inquired whether these groups would not be afforded funding.

Council/Agency Member Carr clarified that under the process before the Council; the groups listed on page 145 of the agenda packet would not fit the criteria and could not be funded under the \$60,000 the Council has set aside for this process. However, the Council could consider funding from general fund or economic development dollars, if there are economic benefits associated with sponsorship. He clarified that the \$60,000 was appropriated for community benefit events. He said that the Grad Night program did not meet the minimum requirement of being a community-wide activity. The Poppy Jasper playhouse rental fits the criteria mentioned by the City Manager as they are renting a facility and may be seeking the Council's assistance in the rental of this facility.

Mayor Pro Tempore/Vice-chair Grzan referred to criteria item 6 that states an applicant must be a non profit organization under the Internal Revenue Service (IRS). He inquired why the Council would not include requests by organizations who meet the criteria, but do not meet the IRS code for non profit.

Council/Agency Member Carr acknowledged that there could be a case where an organization meets the criteria, but does not meet the IRS code for non profit. However, there could be a way for these groups to accomplish the IRS code such as organizing themselves under the Morgan Hill Community Foundation, or attaching themselves to another non profit organization.

City Manager/Executive Director Tewes clarified that the Committee is not recommending that "for profit" groups be eligible to seek City financial assistance for a special event permit. Funding is being recommended for community-based organizations that provide community-wide benefits.

Mayor Pro Tempore/Vice-chair Grzan said that he would like to see a policy put into place that does not constrain certain requests that meets most of the criteria such as a neighborhood group that wants to conduct an activity city-wide that is of benefit to the community. Such a request would not be funded because they are a non profit group. He stated that he does not understand the protection the City would receive by an organization being a non profit.

Council/Agency Member Carr said that the only way the City can guarantee that a group is a recognized, non profit organization, is by requiring this status. Otherwise, approval of funding would be a gift of public funds.

Mayor Pro Tempore/Vice-chair Grzan said that if there is a group of residents or community homeowners that want to conduct a special event, he would like to be able to consider their requests.

Council/Agency Member Tate noted the Morgan Hill Community Foundation was established to assist community groups and bring groups under their umbrella. He indicated that a small neighborhood group could go before the Foundation and receive their umbrella coverage as a non profit.

Council/Agency Member Sellers stated that it is not insignificant process to establish a 501c3 non profit status. Should the City partner with an organization where they turned out to be financially unsound or something happened in the course of the event; without protection, the City would be liable. He said that there are other non profit groups that can conduct political activities, and that there are other non profit groups that are precluded from overt political activities. Limiting eligibility for this process would keep events at a community level and not an advocacy level. Limiting eligibility would also limit the City's liability.

Mayor/Chairman Kennedy indicated that the San Jose Grand Prix was partially funded by the City of San Jose's Economic Development, and that this was a for profit event. However, the event had significant benefits to the City of San Jose. Similar to this event was the Morgan Hill Grand Prix event. He noted this event would not be eligible for assistance because the organizers are not a 501c3 group. He inquired whether there would be an event where the City would want to encourage an event for economic development for downtown support.

Council/Agency Member Carr indicated the Committee gave a lot of thought to events similar to the Grand Prix event. He said that a group coming to the City where the benefit to Morgan Hill would be primarily economic development should receive assistance from economic development, and not community benefit dollars. The Committee sees a different set of criteria for groups that are providing some type of community benefit versus economic benefit. It was felt that economic benefits should be addressed from a different pot of funds and a different process to be considered for assistance. He clarified that by excluding the Morgan Hill Grand Prix event from this process, the Committee is not stating this event should not be funded. The Committee is suggesting this event be considered under redevelopment dollars; not through general fund community benefit dollars. He stated the Committee did not recommend a criteria/process for an organization to go through when talking about economic benefits. However, the Council/Agency Board could request the Community & Economic Development Committee to develop a criteria/process as such requests are being considered on an ad hoc basis. He clarified that this process/criteria addresses events that are conducted annually; is not about one time events. Further, the event is to be tied to the community and have some historical connection with the community, opened to the entire community, and is providing other types of benefits besides economic benefits to the community.

Council/Agency Member Tate said that it was his belief the Council/Agency Board was recommending the Community & Economic Development Committee to come up with a criteria to address economic benefit requests. He felt the Council/Agency Board needs a decision flow chart in order to determine where the various organizations fit; making it user friendly.

Mayor Pro Tempore/Vice-chair Grzan inquired how the City would be protected should the City decide to fund a non profit group.

City Attorney/Agency Counsel Siegel clarified the City would not be protected should it fund a potentially unincorporated association. Should the City have an agreement that indemnifies the City with a group that does not have a non profit status, there would not be an organization to go after or seek recourse. He agreed that the Morgan Hill Community Foundation and other non profit organizations can assist groups that do not have a non profit status. Associating with an existing non profit organization would assist in the procurement of the insurance required by the City for special events. He said that there are some activities; especially activities in public parks that require additional insurance. The City would like to make sure that should something happen; it is not the City's general fund that is tapped. He said that there is a benefit to making sure that an organization has some type of corporate formation.

Mayor Pro Tempore/Vice-chair Grzan inquired whether the criteria requires insurance.

City Manager/Executive Director Tewes noted that this is a procedure for how special event sponsors will request financial assistance from the City. He indicated that there are a number of special events that do not require financial assistance. These special events are approved by the City Manager under the special event ordinance that allows for conditions to be placed on the permit. He said that it is typically the case that staff imposes a condition that insurance be provided. He stated that the cost of this insurance might be the basis for the financial request. However, this is not part of the process.

Mayor Pro Tempore/Vice-chair Grzan inquired whether a group that is not a 501c3 organization, but has insurance and protection, would meet the criteria to apply for financial assistance for a special event permit.

City Attorney/Agency Counsel Siegel stated that it would be a Council policy decision, not a legal position. He said the Council could have a policy in place that would allow for an individual or any group to apply for funding for a special event permit, if so desired. He said that you see language such as that contained in the proposal that narrows down who can apply and the group the Council is likely to fund. He indicated that he has typically seen organized non profit groups seek financial assistance from the City Council.

Using the example as presented by Mayor Pro Tempore/Vice-chair Grzan, City Manager/Executive Director Tewes indicated that the DOG group is not a non profit organization, but are an example of a group who contacted the City as an affiliate of the Morgan Hill Community Foundation. The Committee may have given thought to having assurance that a group is organized, and has the ability to meet its commitments to put on a major event that may require the closure of city streets and require City financial assistance.

Mayor Pro Tempore/Vice-chair Grzan stated that he would like for any group to come before the Council and request funding without having a 501c3 status for a single event. Further, he did not want to make it a hardship for a group.

Council/Agency Member Carr said that the Committee does not want to preclude any well meaning groups. He clarified that a group/organization putting on a one time event, would not qualify under this process as the process is for groups who put on annual events. He felt the City should be encouraging groups to seek formal non profit status if they are requesting City funding assistance. He noted that a non profit status can be achieved by contracting through the Morgan Hill Community Foundation, or on their own. If an organization will be putting on annual events, they should have protections for themselves, and for the City and tax payers of Morgan Hill.

Mayor Pro Tempore/Vice-chair Grzan indicated that it was his understanding that applying for a 501c3 status is a difficult process to go through. He reiterated that he would like to make it easy for individuals to come before the Council on a one time basis, or annually, to seek funding without meeting a certain part of the criteria.

Council/Agency Member Carr clarified that the criteria for this process does not apply for a one time event, and that they would need to seek approval of funds in a different manner.

Mayor/Chairman Kennedy opened the floor to public comment.

Gary Walton, Morgan Hill Downtown Association, introduced Eric Wallace, the current President of the Downtown Association. He indicated that this is the 10th year the downtown has sponsored the Safe Trick or Treat event. Originally, this event was funded by a group of merchants who got together and felt it would be a great event for parents who wanted to bring their children to a safe environment. The Downtown Association took on this event and continued to work with the Chamber of Commerce. This event was self funded by sponsors and volunteers. However, the event grew such that crossing guards were needed to assist children cross the street, and that last year, the event grew such that the Downtown Association felt closure of streets was needed for safety reasons. He requested the Council fund the cost for street closure. He said the Downtown Association will provide candy, bags, and volunteers. He indicated that a profit is not made from this event, and that it was his hope the event continues on an annual basis, and that the event exposes individuals to the downtown. He felt the event was making an imprint on the next generation about the community; taking back memories of the downtown. He requested Council approval of the funding request; indicating that City assistance was not solicited last year. He indicated that the Downtown Association will be meeting with Public Works staff tomorrow morning to discuss the requirements, in terms of signage and rental equipment. He indicated that the use of electronic signage is expensive, and that it is his hope they can find a way to reduce some of the expenses so that they do not need as much assistance in the future.

Dan Ehrler said that October 25, 2006 will mark his second year in Morgan Hill. He indicated that his first Morgan Hill event was the Safe Trick or Treat event. He was impressed by middle school age students attending this event in costume and with parents. He felt that the original organizers and those who have carried on the Safe Trick or Treat commitment should be recognized as this is a special activity. He said the event is for children as well as adults, and that business owners who participate in the event have as much fun, if not more fun, than the children. The Chamber of Commerce urges Council support, and as a resident of Morgan Hill, he also urged Council support.

No further comments were offered.

Council/Agency Member Sellers thanked the Public Safety and Community Services Committee for all its hard work in putting this criteria/process together.

Action: *On a motion by Council/Agency Member Sellers and seconded by Council/Agency Member Tate, the City Council/Agency Board unanimously (5-0): 1) **Approved** Application Form and Criteria; and 2) **Appropriated** \$5,600 to Downtown Association's Safe Trick or Treat Event.*

FUTURE COUNCIL-INITIATED AGENDA ITEMS

Mayor Pro Tempore Grzan requested that City Manager Tewes approach the Medical Foundation in order to request a report on their current activities and future plans.

Mayor Kennedy indicated that he and Council Member Tate have been working with the Medical Foundation Board Members to try and get them to make a report to the Council on their activities.

City Manager Tewes said that it may be appropriate to adopt a motion to request the report. He could then convey the official action of the Council to the Medical Foundation.

Action: *It was the consensus of the City Council to direct the City Manager to request a report be presented to the Council from the Morgan Hill Medical Foundation Board.*

Mayor Pro Tempore Grzan indicated that he has made a presentation to the Library, Cultural & Arts Commission, Bicycle & Trails Committee, and the Parks & Recreation Commission regarding the concept of a Morgan Hill wildlife sculpture trail. He stated that he will be going back before the Library, Cultural & Arts Commission on a vote on this concept. He said that he has unanimous approval of the concept from the Bicycle & Trails Advisory Committee and the Parks & Recreation Commission. He waits for the item to be appropriately agendaized before the Library, Cultural & Arts Commission. He would like to come back to make a presentation to the Council on a light agenda. He said that artists will be in attendance at the time the presentation is made to the Council by the group who has gathered together; forging the concept of a wildlife sculpture trail.

ADJOURNMENT

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 9:15 p.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, CITY CLERK/AGENCY SECRETARY